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### No.25 An Order Amending Executive Order No. 19, Relative to the Governor's Task Force on the Use of Enhancement Factors in Criminal Sentencing

Phil Bredesen

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STATE OF TENNESSEE  
**EXECUTIVE ORDER**  
BY THE GOVERNOR

Number 25

**AN ORDER AMENDING EXECUTIVE ORDER NO. 19, RELATIVE TO THE  
GOVERNOR'S TASK FORCE ON THE USE OF ENHANCEMENT FACTORS  
IN CRIMINAL SENTENCING**

**WHEREAS**, Executive Order No. 19, signed July 22, 2004, established the Governor's Task Force on the Use of Enhancement Factors in Criminal Sentencing ("Task Force"); and

**WHEREAS**, this Task Force was charged with the responsibility of assessing the impact of the U.S. Supreme Court's decision in *Blakely v. Washington* on Tennessee's sentencing laws and recommending any appropriate state response; and

**WHEREAS**, on February 16, 2005, the Task Force delivered its final report. Included within this report was draft legislation recommended by the Task Force to ensure Tennessee's criminal sentencing structure meets all constitutional requirements. This legislation, known as the Criminal Sentencing Reform Act of 2005 ("Act"), was later passed by the Senate and House of Representatives of the One Hundred Fourth General Assembly and was signed into law June 7, 2005. This Act has subsequently been designated Public Chapter No. 353; and

**WHEREAS**, this Act eliminates presumptive sentencing in Tennessee and replaces it with a series of guidelines that include enhancement and mitigating factors and a statement of principles and sentencing considerations. Under this Act, judges will be required to consider, but will not be bound by, these advisory guidelines in determining an appropriate sentence within the ranges set by statute; and

**WHEREAS**, it is desirable that the Task Force remain constituted for a reasonable time in order to monitor and assess the impact of Public Chapter No. 353 on various aspects of the state's criminal justice system, including but not limited to the state's prison population.

**NOW THEREFORE**, I, Phil Bredesen, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and law, do hereby order and direct the following:

1. The provisions of Executive Order No. 19, dated July 22, 2004, are hereby amended to the extent necessary to allow the Governor's Task Force on the Use of Enhancement Factors in Criminal Sentencing to continue to exist until October 31, 2008.
2. The Task Force is charged with the responsibility of monitoring and assessing the impact of the Criminal Sentencing Reform Act of 2005, Chapter No. 353 of the Public Acts of 2005, on Tennessee's criminal justice system. This assessment shall include but not be limited to a review of the impact of this Act on the state's prison population.


3. No later than October 31, 2006, and annually thereafter, the Task Force shall provide to the Governor, the Speaker of the Senate, and the Speaker of the House an annual report detailing its findings regarding the impact of this Act on the state's criminal justice system during the fiscal year ending the immediately preceding June 30.
4. The Task Force shall cease to exist October 31, 2008.

**IN WITNESS WHEREOF**, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 13<sup>th</sup> day of July, 2005.



GOVERNOR

ATTEST:



SECRETARY OF STATE